IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5785 OF 2007

Babaji Bhikaji Kudtarkar ....Petitioner
V/s
Executive Engineer, Presidency Dvn. & Ors. ....Respondents.

Ms.Kranti S.S.Anand, Adv. For the petitioners.

Mr.S.K.Chincholikar, AGP for respondents.

CORAM: A.P.DESHPANDE, J.
22/8/07

PC:

The petitioner is in possession of a zopada abutting public road and initially formed part of G.T.Hospital residential quarters and Elphinston Technical High School. The Competent Authority has passed an order of eviction under the Bombay Government Premises Eviction Act and aggrieved thereby the petitioner carried an appeal before the City Civil Court which appeal has been dismissed. Perusal of the appellate order reveals that the petitioner is claiming that the zopada like structure is standing on a public road with a view to escape the vigors of the Public Premises Eviction Act. A finding of fact has been recorded by two Courts below that the hut was initially situated within the compound of the G.T.Hospital and it was abutting the hospital staff residential quarters. It is further held that the structure is standing on piece of land belonging to the Government. Perused the order. Same does not call for interference in exercise of writ jurisdiction. Hence writ petition is summarily dismissed. Learned counsel at this stage submits that the order of eviction be stayed for a period of four weeks. Prayer is granted.

22.8.07